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DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	re briefing of Senate and House staffers, 3p <i>PART- 3/17/06 F97-066/6 # 86</i>	2/1/88	B1, <i>B3</i>
2. Q&A	re issues raised, 2p <i>R " " #87</i>	n.d.	B1
3. memo	William Webster memo for the record re 8/5/87 conference with Sen. Boren and Sven Holmes [w/notations], 3p <i>R " " #88</i>	8/6/87	B1

RESTRICTIONS

- B-1 National security classified information [(b)(1) of the FOIA].
- B-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- B-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- B-7a Release could reasonably be expected to interfere with enforcement proceedings [(b)(7)(A) of the FOIA].
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- B-7c Release could reasonably be expected to cause unwarranted invasion or privacy [(b)(7)(C) of the FOIA].
- B-7d Release could reasonably be expected to disclose the identity of a confidential source [(b)(7)(D) of the FOIA].
- B-7e Release would disclose techniques or procedures for law enforcement investigations or prosecutions or would disclose guidelines which could reasonably be expected to risk circumvention of the law [(b)(7)(E) of the FOIA].
- B-7f Release could reasonably be expected to endanger the life or physical safety of any individual [(b)(7)(F) of the FOIA].
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

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FOIA

F97-066/6

Box Number 4

ID	Doc Type	Document Description	No of Pages	Doc Date
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3	MEMO	WEBSTER MEMO FOR THE RECORD RE CONFERENCE WITH SEN. BOREN AND SVEN HOLMES (F97-066/6 #88)	3	8/6/1987
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5/20/09 EMB

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FOIA (b)(1)
(b)(3)

1 February 1988

MEMORANDUM FOR THE RECORD

VJB

SUBJECT: Briefing of Senate and House Staffers on
the President's Request for 36.25 Million
Dollars for the Nicaragua Program

1. On 29 January, [REDACTED], Chief of the Central America Task Force and four of his key staffers briefed the Senate and House staffers on the President's aid request for the Nicaraguan Resistance. In attendance were members of the following staffs:

- The House Permanent Select Committee on Intelligence (HPSCI)
- The Senate Select Committee on Intelligence (SSCI)
- The House Appropriations Committee, Sub-Committee on Defense
- The House Appropriations Committee, Sub-Committee on Foreign Operations
- The Senate Appropriations Committee, Sub-Committee on Defense

The briefing lasted four hours and consisted of a detailed line by line breakdown of the composition of the President's request. The staffers asked detailed questions on all aspects of the request. With the exception of two areas, the staffers agreed that the President's request does not contain any fat. The two areas discussed further below are the requests for additional re-supply parachutes and the amount of fuel being used. The total sum at issue is approximately \$500,000; thus, while needing to be addressed further it is not contentious. Moreover, [REDACTED] noted that debating whether one item should be a little larger or smaller really was not relevant and that the issue that should be addressed when they brief the members is do they support the policy or not. He emphasized that the request was put together by highly competent technicians in response to political guidance.

2. The methodology used in preparing the budget was reviewed with the staffers. Areas that were addressed were: one, redressing critical inadequacies in communications equipment, including items that have not been funded since the

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NLS F97-066/6 #86
By NDJ, NARA, Date 3/17/06

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first of October 1987 in the four Continuing Resolutions. Two, support for items that have not been funded since 10 October 1987 such as: training, civic action and informational activities. Three, one-time expenses such as up-grades for sanitation facilities on Swan Island and runway maintainance.

3. The \$36.25 million request will fund approximately 18,600 armed combat troops in Nicaragua or in contested areas along the Nicaraguan-Honduran border for a period of 4 1/2 months lasting from approximately 1 February to 15 July 1988. The request for lethal items was not particularly contentious. When covered by the briefers, the staffers posed few questions. This is partially due to the fact that the HPSCI staff addressed this during a staff trip to Honduras on 27 and 28 January. The lethal request was designed to maintain adequate supplies of critical ammunition without any increase in the size of the force or improvements in firepower. There is no ammunition being procured for any heavy weapons, such as mortars. The bulk of the request is for RPG-7 ammunition which is in critical short supply and will run out by mid-February. (The HPSCI audited this item on Swan Island to be sure it was accurate.) The remainder of the request is made up of ammunition, hand grenades, explosives and command-detonated mines for ambushes. This sustainment figure for lethal did not incorporate the one-month hiatus in lethal deliveries during the month of March; therefore, the projected request will extend lethal supplies out to approximately 15 August 1987 rather than 15 July. The staffers were told that the lethal request was prepared and incorporated into the overall request made by the President prior to the discussions concerning a one-month cessation of lethal aid drops. In any case, had the request factored this in, it would have dropped by \$800,000 reducing it from 3.6 million to 2.8 million dollars.

4. Duane Andrews from the HPSCI staff noted that the request for parachutes was higher than the normal monthly usage rates in the first quarter of FY 88. This would translate, according to Andrews, into a net increase of re-supply drops rather than maintainance at existing levels. He was given two reasons for the increase. One, it is our intention to force feed the resistance with ammunition and supplies during the month of February in anticipation of the prohibition on lethal supply drops in the month of March and to make up shortfalls from January. Two, the increase in the size and number of aircraft in the fleet will permit more drops to be made, and the makeup of the drops will also change as the result of the introduction of more civic action packages. These packages include clothing, food, farm implements, seeds and medicines

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SUBJECT: Issues Raised Re: President's Request by Oversight Staffers

QUESTION: What methodology did CIA use in preparing its projections?

ANSWER: CIA reviewed the current program and used the following factors to arrive at the request: one, redress existing inadequacies or shortages such as replacement of communications gear; two, include items that have not been funded since 1 October 1987 such as civic action, training, and management and infrastructure support costs; three, purchase ammunition to keep the existing force in the field operating at levels maintained in November and December 1987; four, the foregoing was predicated upon a stipulation there would be no force buildup or increase in the size of the Program.

QUESTION: Would there be any reserves after 15 July?

ANSWER: In some areas there might be some goods that remained undelivered on 15 July. The request is based on a run out date of 15 July. If usage rates change or delivery capability is impaired then some goods would remain in stockpiles.

QUESTION: How many troops do you estimate are being supported and were used in preparing your budget?

ANSWER: We estimate that there is a total of 18,600 men inside of Nicaragua or in conflictive areas along the Nicaraguan/Honduran border. This is made up of troops from the FDN, Southern Front, and the Indians.

QUESTION: Have you obligated any of the \$3.6 million appropriated in the first interim funding? Specifically, have you obligated any of the food component of this appropriation?

ANSWER: Yes, as of 30 January, \$2.2 million was obligated of which \$548,000 is made up of food. A detailed breakdown of this budget is attached.

QUESTION: What is the Civic Action Program made up of?

ANSWER: Due to shortages of goods inside of Nicaragua and in order to continue to improve relations with the local population in the operational areas. The packages consist of food, seeds, farm implements, clothing and medicines. They are included in each resupply drop made to the troops.

QUESTION: You have allocated funds for video recorders, how can you be sure they will not be any distribution of the films in the

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BY NOI, NARA, DATE 3/17/06

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United States?

ANSWER: The resistance knows the restrictions on disseminating information in the U.S. There has not been any appearance of the Miranda tapes that were made by the CIA in the U.S. We constantly monitor resistance information operations to ensure that activities funded by the U.S. Government are not targeted on U.S. audiences.

QUESTION: How long do you intend to keep the DC-6 and CASA 212's in service.

ANSWER: Our intention at this point is to phase out the DC-6 as soon as the CASA 235's are on line. We do not have any intention of phasing out the the CASA 212 for the foreseeable future.

QUESTION: Have you looked at other aircraft besides the CASA 235?

ANSWER: We considered French made Transalls and C-130's. The Transalls are not available for lease and the C-130 poses too many repair problems.

QUESTION: Your parachute request and fuel request are larger than your first quarter FY 88 rates. Why?

ANSWER: More parachutes will be required for stepped up drops to the forces in the field to make up shortages due to the March hiatus in lethal deliveries and to make up for shortfalls in deliveries in January. Additionally, there will be a surge in drops in February of lethal supplies into more secure drop zones. Finally, there will be more food and civic action packages dropped inside. There is reporting the units can not find sufficient food to feed themselves and some are starting to exfiltrate. Other units require more civic action packages to continue the spread into new operational areas of their influence with the local population. Fuel requests are higher to support the increasing deliveries and the larger fleet that will be available if the request is approved. There will be three new aircraft on line. Two CASA 235's and one UH 1H helicopter. Further, there will be much higher levels of drops into the Bocay valley to provide food for troops operating along the border and the large civilian population of families of combatants in the area.

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for the population in the areas in which the resistance is operating. One additional factor that was not clearly explained to the staffers was the usage rate of 1,000 chutes per month is adequate to supply the forces in the field. What is clear from our intelligence reporting is while we have maintained the forces in the field and provided them with sufficient ammunition requirements, there are shortages of other items, including food, and we will have to make more deliveries in the future to keep the same number of troops fighting.

5. Another area the staffers questioned was the larger procurement of fuel each month. Current usage rates are approximately \$200,000 per month and we are anticipating a request for doubling the monthly procurement costs to \$400,000. This is principally due to more aircraft being available during the period covered by the request, as well as stepped up deliveries inside of Nicaragua as well as more frequent flights into the Bocay area to deliver food and necessary supplies to the troops along the Honduran border. There is no road to the Bocay area, therefore, all deliveries have to be made by air.

6. With the exception of the issue of parachutes and fuel requests, there were no substantial objections or reluctance to accept the size of the request. Chief, CATF concluded that while these two areas may, in the staffs "view" be a bit larger than appears necessary, the overall request is right on target to maintain forces for the 4 1/2 month period of this request, the staffers agreed that the detailed briefing had been very helpful, and that they would return and brief their members. If necessary additional briefings for the members themselves would be provided to review the details of specific items in the coming week.

7. Attached are the significant questions and answers.



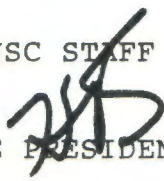
Attachment

THE WHITE HOUSE

WASHINGTON

February 10, 1988

MEMORANDUM FOR THE WHITE HOUSE AND NSC STAFF

FROM: HOWARD H. BAKER, JR. 
CHIEF OF STAFF TO THE PRESIDENT

COLIN L. POWELL 
ASSISTANT TO THE PRESIDENT FOR
NATIONAL SECURITY AFFAIRS

SUBJECT: Private Aid to the Nicaraguan
Democratic Resistance

Administration Policy

In light of Congress' recent refusal to provide further assistance to the Nicaraguan Democratic Resistance, the White House and NSC staffs increasingly may find themselves faced with requests for information or assistance from individuals attempting to raise or provide private financial support, both military and humanitarian, to the Resistance. The Administration will continue to work through the Congress to secure the necessary aid for the Freedom Fighters. However, at the President's direction this is to advise that no Administration official should provide assistance or encouragement of any kind to private individuals or third parties raising funds on the Freedom Fighters' behalf. We believe that any such assistance or encouragement, no matter how well intentioned, would be misunderstood, misinterpreted, and, therefore, counterproductive.

As a result, no Administration official should take a position for or against private support for the Democratic Resistance. To avoid charges that the White House implicitly is supporting private aid, Administration officials should discourage private individuals from discussing private aid during briefings or meetings in which Administration officials participate and should not otherwise engage in discussions of private or third party aid.

Correspondence/Telephone Inquiries

If you receive any correspondence containing contributions for the Resistance, the correspondence should be sent to Anne Higgins, Special Assistant to the President and Director of Correspondence, for appropriate response. In accordance with standard policy, any private funds sent to the Administration for the Democratic Resistance will be returned to their originator with a reference

to the names of humanitarian assistance organizations only. If you receive a telephone inquiry, you should refer the call to Arthur B. Culvahouse, Jr., Counsel to the President (White House Staff) or Nicholas Rostow, Special Assistant to the President and Legal Adviser to the National Security Council (NSC Staff).

THE WHITE HOUSE
WASHINGTON

23/4

SENATOR BAKER,

FYI per CONVERSATION
THIS AM.

Colin

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PAGE 02 OF 04

REGIONAL COMMANDERS.

-
IN LIGHT OF OUR INITIATIVES, WE BELIEVE THAT THE DECLARATIONS OF DICTATOR ORTEGA WILL BE POSITIVE WHEN THEY LEAD TO A NEGOTIATED CESSATION OF HOSTILITIES.

-
THE NICARAGUAN RESISTANCE NOTES:

-
1) A UNILATERAL AND PARTIAL CEASE-FIRE CANNOT HAVE THE EFFECTIVENESS, RESPONSIBILITY AND CREDIBILITY WHICH WOULD BE IMPLIED BY ONE REACHED THROUGH DIRECT NEGOTIATION BETWEEN THE BELLIGERENT PARTIES.

-
2) THE ESTABLISHMENT OF NEUTRAL ZONES SHOULD EXTEND THROUGHOUT THE NATIONAL TERRITORY AND BE THE PRODUCT OF NEGOTIATIONS WHICH ESTABLISH CONDITIONS AND FULL GUARANTEES OF SECURITY, INTEGRITY (OF FORCES), MOBILITY, COMMUNICATIONS, SUPPLIES, MEDICAL ATTENTION AND OTHER NEEDS OF THE FORCES ON THE GROUND AND THE CIVIL POPULATION WHICH LIVES THEREIN.

-
3) THE FSLN GOVERNMENT SHOULD ESTABLISH CONDITIONS

WHICH GUARANTEE THE EFFECTIVENESS OF THE NEUTRAL ZONES AMONG WHICH SHOULD BE THE DEMILITARIZATION OF THE AGRICULTURAL COOPERATIVES WHICH TO DATE HAVE FUNCTIONED AS ADVANCE MILITARY POSTS, AS (CENTERS OF) RESUPPLY, OF COMMUNICATIONS AND CONTROL OF THE CIVIL POPULATION; THEY SHOULD CLEAR MINE FIELDS TO ASSURE THE FREE CIRCULATION OF THE CIVIL POPULATION AND SAFE ACCESS BY THE NATIONAL RECONCILIATION COMMISSION AND THE PEACE COMMISSION IN FULFILLMENT OF THEIR FUNCTIONS.

-
4) TO CALL ON THE GOVERNMENTS OF THE WORLD TO BE

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PAGE 01 OF 04

PRT: POWELL SIT

SIT: EOB SORZANO VAX VPLHB

also Country Green

<PREC? IMMEDIATE <CLAS? UNCLASSIFIED <DTG? 231539Z SEP 87

FM AMEMBASSY TEGUCIGALPA

TO RUEHC/SECSTATE WASHDC IMMEDIATE 4584

INFO RUEHSJ/AMEMBASSY SAN JOSE 2101

RUEHMU/AMEMBASSY MANAGUA 8259

RUEHSN/AMEMBASSY SAN SALVADOR 3216

RUEHGT/AMEMBASSY GUATEMALA 4942

RUEHDT/USMISSION USUN NEW YORK 1873

UNCLAS SECTION 01 OF 02 TEGUCIGALPA 15953

E.O. 12356: N/A

TAGS: PREL, MOPS, NU, HO

SUBJECT: NICARAGUAN RESISTANCE: COMMUNIQUE ON
- SANDINISTAS' PARTIAL CEASE-FIRE

REF: MANAGUA 6288

1. THE FOLLOWING IS AN INFORMAL TRANSLATION OF
SEPTEMBER 22, 1987 COMMUNIQUE ISSUED BY THE NICA-
RAGUAN RESISTANCE IN RESPONSE TO ANNOUNCEMENT THAT
SAME DAY IN MANAGUA BY THE SANDINISTA GOVERNMENT
OF A PARTIAL UNILATERAL CEASE-FIRE.

QUOTE

COMMUNIQUE

THE NICARAGUAN RESISTANCE ON 21 AUGUST OF THIS YEAR
RESPONDED PUBLICLY TO AND IN THE PRESENCE OF PRESI-
DENT JOSE NAPOLEON DUARTE OF EL SALVADOR BY EXPRESS-
ING ITS WILLINGNESS TO INITIATE A DIALOGUE TO OBTAIN
A CESSATION OF HOSTILITIES.

-
IN ACCORD WITH THAT COMMITMENT, ON 16 SEPTEMBER THE
NICARAGUAN RESISTANCE CREATED A CEASE-FIRE NEGOTIATING
COMMISSION COMPRISED OF THREE CIVILIANS AND TWO

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VIGILANT SO THAT THE WORDS OF THE DICTATOR ORTEGA DO NOT MERELY BECOME A TACTICAL MANEUVER TO GAIN TIME, TO IMPEDE CONTINUED ASSISTANCE TO THE NICARAGUAN RESISTANCE AND THUS TO SAVE HIS TOTALITARIAN PROJECT.

5) WE SUPPORT THE POSITION OF CARDINAL MIGUEL OBANDO Y BRAVO, PRESIDENT OF THE NATIONAL RECONCILIATION COMMISSION, WHO HAS PUBLICLY NOTED THAT A CEASE-FIRE SHOULD BE THE RESULT OF NEGOTIATIONS BETWEEN THE BELLIGERENT PARTIES.

6) WE BELIEVE THAT THE PROPOSAL OF PRESIDENT JOSE NAPOLEON DUARTE OF A DIRECT DIALOGUE WITH THE FNLN-FDR NEXT OCTOBER 4 DEMONSTRATES A POLITICAL WILL WHICH FULLY COMPLIES WITH THE AGREEMENTS AND OBLIGATIONS OF ESQUIPULAS II.

7) THE NICARAGUAN RESISTANCE REAFFIRMS ITS INSISTENCE ON STRICT COMPLIANCE WITH ESQUIPULAS II IN ITS ENTIRETY SO THAT THE PROCESS OF DEMOCRATIZATION IN OUR COUNTRY WILL BE EFFECTIVE AND WILL THEREBY ESTABLISH A STABLE AND DURABLE PEACE.

BT

#5953

BT

UNCLAS SECTION 02 OF 12 TEGUCIGALPA 15953

E.O. 12356: N/A

TAGS: PREL, MOPS, HUP, HO

SUBJECT: NICARAGUAN RESISTANCE: COMMUNIQUE ON
CENTRAL AMERICA, 22 SEPTEMBER 1987

SIGNED ALFREDO CESAR

ARISTIDES SANCHEZ

EDILFO GALEANO

ALFONSO ROQUELO

ELIZABETH TERRELL

ANDRÉS J. GONZALEZ

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END QUOTE
BRIGGS
BT
#5953

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August 4, 1987

1. A Nicaraguan base cannot be used as a surrogate for a Soviet base. Any Communist military or intelligence base will be considered a threat.
2. That their military force will be in proportion to that of their neighbors. They will not engage in or support insurgent or terrorist activity or allow others to use their territory for such purposes.
3. By this we mean internationally recognized political and civil liberties and human rights.
4. The parties to whom the cease-fire must be acceptable are the Sandinistas and the NDR.
5. Should there be a cease-fire period when only humanitarian aid is permitted and prior to a final settlement of demobilization, Congress will provide adequate humanitarian assistance.
6. The cease-fire cannot work to the military disadvantage of the Nicaraguan Resistance. The terms of cease-fire must deal with the treatment of consumable supplies needed to maintain current capabilities.
7. The Electoral Commission must be free of Sandinista control or domination and include participation of all authentic opposition parties.
8. "All elections" include elections for national leadership.
9. It is our understanding that an acceptable timetable would call for prompt national elections, certainly well in advance of the currently scheduled 1990 national elections.
10. As noted in paragraph 4 of the Peace Plan, persons active in the Resistance will be allowed to return home and run for any office.
11. The suspension of military aid to the Sandinistas will be subject to verification by the OAS or an international body.
12. The Soviet Union and Soviet block countries have no "normal and legitimate" need to maintain military forces or advisors on the mainland of this Continent.
13. The suspension of combat maneuvers is a demonstration of "good faith" which is dependent on reciprocal good faith on the part of the Sandinistas.
14. U.S. security interests in Central America cannot be protected unless Nicaragua becomes a full and open democratic society. The security provisions addressed in paragraph 3 of the Plan are inextricably linked to the process of democratization in Nicaragua.

15. Withdrawal of foreign military personnel refers to paragraph 2 of the Plan with respect to "normal and legitimate" needs.

16. Simultaneity means that U.S. resupply will diminish as the Resistance forces are integrated into Nicaraguan society.

17. Should be "regional" not "bilateral" for accuracy.

18. If the negotiations are not completed by September 30, 1987, the President at his discretion may submit his request for aid for the Freedom Fighters. The Congress will insure that the request will be dealt with on an expedited basis. No parliamentary or other procedures will be allowed to delay or prevent an up or down vote under expedited procedures.

19. Within two weeks after announcement of the plan, the Nicaraguan government rejects the plan, does not respond to the plan, or attempts to delay acceptance or rejection, the President is free to resume his Contra funding efforts.

20. All parties can continue to speak out in support of the extension of democracy and respect for human rights in Central America. In order to maximize the chances for successful negotiations, and to maintain bipartisan unity, the President and the Congress will avoid criticizing each other on these issues, and will refrain from comments which will undermine the diplomatic track. All parties are free to describe their analyses of the situation in Central America.

21. The Administration may, in response to Congressional requests, organize trips to Central America, may respond to Congressional requests for information and may respond to press statements and inquiries about Central American policy and the Resistance in particular.

THE WHITE HOUSE
WASHINGTON

4 Aug

SENATOR BAILEY,

As NEGOTIATED,

Colin

A Peace Plan

Recognizing that the Central American Presidents are about to meet to discuss the issues involved and seek a peaceful solution to the problems in Central America, the United States desires to make known its views on certain of the basic elements that need to be included.

With respect to Nicaragua, the United States has three legitimate concerns for the well-being of the hemisphere:

- ① 1. That there be no Soviet, Cuban or Communist block bases established in Nicaragua that pose a threat to the United States and the other democratic governments in the hemisphere.
- ② 2. That Nicaragua pose no military threat to its neighbor countries nor provide a staging ground for subversion or destabilization of duly elected governments in the hemisphere.
- ③ 3. That the Nicaraguan government respect the basic human rights of its people including political rights guaranteed in the Nicaraguan constitution and pledges made to the OAS -- free speech, free press, religious liberty and a regularly established system of free, orderly elections.

Beyond this, the United States has no right to influence or determine the identity of the political leaders of Nicaragua nor the social and economic system of the country. These are matters wholly within the right of the Nicaraguan people. The United States affirms its support for the right of the Nicaraguan people to peaceful, democratic self-determination, free from outside intervention from any source.

In order to bring an immediate end to hostilities and begin a process of reconciliation, we propose the following:

- ④ 1. An immediate cease-fire in place, on terms acceptable to the parties involved, subject to verification by the OAS or an international group of observers should be negotiated as soon as possible. When the cease-fire is in place, the U.S. will immediately suspend all military aid to the Contras and simultaneously Nicaragua will stop receiving aid from Cuba, the Soviet Union, and the Communist block countries. Humanitarian aid can be supplied to both groups. The emergency law will be immediately suspended and all civil rights and liberties will be restored. An agreed, independent multi-party electoral commission will be established to assure regular elections open to free participation by all. A timetable and procedures for all elections, including those to be supervised and guaranteed by an agreed international body such as the OAS, will be established within 60 days.
- ⑤ 2. The withdrawal of foreign military personnel and advisers from Nicaragua and its immediate neighbors that are in excess of the normal and legitimate needs of the region will be subject to negotiations among the countries of the region. The U.S. will suspend combat maneuvers in Honduras as a demonstration of good faith when the cease-fire is in place.
- ⑥ 3. After the cease-fire is in place, negotiations among the governments of the United States, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua shall begin on reductions in standing armies in the region, withdrawal of foreign military personnel, restoration of regional military balance, security guarantees against outside support for insurgent forces, and verification and enforcement provisions. As part of this negotiating process, the United States shall enter into ~~Bilateral~~ discussions with the governments of the region -- including the government of Nicaragua -- concerning security issues. A regional agreement on security issues shall be negotiated within 60 days, unless this period is extended by mutual agreement. The OAS shall be invited to be a signatory to and guarantor of this agreement.

16 4. A plan of national reconciliation and dialogue among citizens of Nicaragua, including amnesty for former combatants and equal rights to participation in the political process. There shall be a plan of demobilization of both Sandinista and Resistance forces. In accordance with the implementation of this plan, the United States simultaneously shall cease all resupply of Resistance forces. Both the government of Nicaragua and the government of the United States shall encourage and support the reintegration of demobilized forces into Nicaraguan civil and political society on terms guaranteeing their safety. Nicaragua shall at this time become eligible for existing and prospective U.S. assistance programs.

17 5. A plan of expanded trade and long-range economic assistance for the democratic governments of Central America in which Nicaragua might participate. By the process of democratization and compliance with bilateral nonaggression agreements, Nicaragua would qualify for participation in the Caribbean Basin Initiative and the U.S. will lift its economic embargo.

18 6. The negotiating process shall commence immediately and be completed by September 30, 1987. If the
19 Nicaraguan Resistance, or forces under its command, should refuse to engage in this negotiating process, willfully obstruct its progress, or violate its terms, the United States shall immediately suspend all assistance to the Resistance. If, because of actions taken by the Nicaraguan government or the forces under its command, the negotiating process should not proceed; or its terms, conditions, and deadlines should not be met; the parties to these undertakings would be free to pursue such actions as they deem necessary to protect their national interest.

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21

AUGUST 5, 1987

STATEMENT BY THE PRESIDENT

I HAVE JUST CONCLUDED A MEETING WITH THE JOINT CONGRESSIONAL LEADERSHIP, AND I AM PLEASED TO ANNOUNCE THAT THERE IS A GENERAL AGREEMENT AMONG US TO GO FORWARD WITH A RENEWED DIPLOMATIC INITIATIVE IN CENTRAL AMERICA ALONG THE LINES OF THE "PEACE PLAN" PREPARED IN COOPERATION WITH THE SPEAKER AND THE JOINT CONGRESSIONAL LEADERSHIP.

ACCORDINGLY, I HAVE INSTRUCTED THE SECRETARY OF STATE TO TRANSMIT THAT DOCUMENT TO THE LEADERS OF THE FIVE CENTRAL AMERICAN COUNTRIES WHO ARE MEETING IN GUATEMALA CITY TOMORROW WITH THE REQUEST THAT THESE VIEWS SHOULD BE TAKEN INTO ACCOUNT IN THEIR DELIBERATIONS.

- 2 -

AS I SAID AT ELLIS ISLAND SEVERAL MONTHS AGO, THIS ADMINISTRATION HAS ALWAYS SUPPORTED REGIONAL DIPLOMATIC INITIATIVES AIMED AT PEACE AND DEMOCRACY.

THE ASPIRATIONS OF OUR CENTRAL AMERICAN NEIGHBORS, THE DEMOCRATIC RESISTANCE IN NICARAGUA, AND THE NICARAGUAN PEOPLE ARE ONE AND THE SAME -- THE ESTABLISHMENT OF GENUINELY DEMOCRATIC SYSTEMS THROUGHOUT THE REGION -- WITH THE FULLY GUARANTEED LIBERTIES OF FREE ASSEMBLY, FREE SPEECH, FREE PRESS, AND THE SIMPLE PRINCIPLE OF SELF-DETERMINATION.

I APPLAUD THIS BIPARTISAN EFFORT IN CONGRESS, AND I EXPRESS THE HOPE THAT IT WILL PRODUCE A PEACEFUL RESOLUTION TO THE CONFLICT IN NICARAGUA. I URGE OTHER NATIONS OF THE WORLD TO JOIN IN THE SUPPORT OF THIS EFFORT AND REFRAIN FROM ACTIVITIES THAT WOULD JEOPARDIZE IT.

#

OVAL OFFICE POOL

August 7, 1987

Reagan sat at his desk, Boren and Cohen standing to either side. Reagan made his statement (see below), then handed envelopes with the letters inside to Boren and to Cohen, saying, "So saying, I shall deliver the mail." Asked if the new procedures stemmed from his mistakes in the Iran-contra affair, he said, "I haven't called them mistakes yet." Asked if the letters obviated the need for proposed legislation on covert operations, he said, "You were informed, I know, no questions." Declined to reply at all to a question about developments in Guatemala ~~X~~ he backed out of the room, accompanied by the senators and Carlucci.

Here's the statement: "I'm gratified we meet today in the spirit of bipartisan cooperation and agreement about procedures governing concerning sensitive intelligence activities. I know the letter that I'm giving each of you reflects serious work, intense work, ~~on the~~ by you and ~~on the~~ of my senior advisers....The measure of agreement reflected in my letter demonstrates the vital importance that I attach to cooperation between the Congress and the executive in these sensitive areas. I guess I know we all agree and I firmly believe that the new procedures we're putting in place will strengthen that cooperation, facilitate the work of your committee in fulfilling its important responsibilities. The procedures address legitimate areas of concern to the Congress and the executive and they have my full support." By the way, he was reading the statement but shielding the text from cameras with the letters.

*Susan Page
Newsday*

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CHIC HECHT, NEVADA
JOHN WARNER, VIRGINIA

United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

In response
refer to: #87-1899

ROBERT C. BYRD, WEST VIRGINIA, EX OFFICIO
ROBERT DOLE, KANSAS, EX OFFICIO

SVEN E. HOLMES, STAFF DIRECTOR/GENERAL COUNSEL
JAMES H. DYKSTRA, MINORITY STAFF DIRECTOR
KATHLEEN P. MCGHEE, CHIEF CLERK

July 1, 1987

The Honorable Frank C. Carlucci
Assistant to the President for
National Security Affairs
The White House
Washington, D.C. 20500

NOV 1987 CONTROL NO. 40419

Dear Mr. Carlucci:

As we have discussed on several occasions, since assuming the leadership of the Senate Select Committee on Intelligence, we have been very concerned about developing more effective procedures for fulfilling the oversight responsibilities with which the Congressional intelligence oversight committees are charged. This concern has been made more acute by the testimony and other information before the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, on which we also both serve.

Consistent with these concerns, we suggest that, within the present statutory framework, there be fashioned agreed-upon procedures to govern the reporting of all covert actions* to the intelligence oversight committees on behalf of the Congress. These would build upon the procedures already in effect and would continue to recognize the mutual responsibilities of both branches. They would also provide the public with assurance that these responsibilities are being carried out comprehensively under current law and in a spirit of cooperation and trust.

The Committee believes that, at a minimum, these procedures ought to incorporate the following points:

1. In all cases there shall be a Finding pursuant to 22 U.S.C. 2422 (the "Hughes-Ryan Amendment") by the President prior to the initiation of any covert action. No Finding may retroactively authorize or sanction any covert action not undertaken pursuant to, and subsequent to, a Finding specifically approved by the President.

* As used herein, the term "covert actions" refers to operations within foreign countries other than activities intended solely for obtaining necessary intelligence, and includes all "special activities" as defined by Executive Order 12333.

2. To ensure accountability and to provide unambiguous direction for actions taken within the Executive branch, there will be no "oral" Findings unless the President determines that immediate action is required of the United States to deal with an emergency situation affecting vital U.S. interests, and time does not permit the drafting of a written Finding. In these circumstances, the "oral" Finding shall be immediately reduced to writing and signed by the President. The written Finding shall include the President's reasons for first proceeding with an "oral" Finding.

3. Each Finding approved by the President shall specify any and all entities within the Executive branch that will fund or otherwise participate in any way in carrying out the activities which are authorized, and shall set forth the nature and extent of such participation. The President shall be responsible for reporting all Findings to the Intelligence Committees, regardless of which entity or entities within the Executive branch are designated to participate in the activity in question. At the time such reports are made, the President shall also identify to the Committees any third country and, either by name or descriptive phrase, any private entity or person, which the President anticipates will fund or otherwise participate in any way in carrying out the activities which are authorized and shall set forth the nature and extent of such participation. Any changes in such plans or authorizations shall be reported to the Intelligence Committees prior to implementation.

4. Where the President determines to withhold prior notice of covert actions from the two Intelligence Committees as required by section 501(a) of the National Security Act of 1947, such prior notice may be withheld only in accordance with specific procedures developed pursuant to section 501(b). Such procedures shall, at a minimum, require that the President, or his representative, shall, in all cases without exception, notify contemporaneously, and in no event later than within forty-eight (48) hours, the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House, and the Chairmen and Vice Chairmen of the two Intelligence Committees of the existence of the Finding, which notification shall include a summary of the actions authorized pursuant thereto and a statement of the reasons for not giving prior notice in accordance with section 501(a).

5. In addition to other oversight activities, there will be a regular review, no less frequently than every three

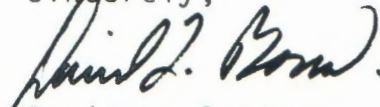
months, of all covert actions currently in effect, to determine whether each such activity is serving the purpose for which it was instituted. These quarterly reviews shall be carried out separately by the National Security Council and by each of the Congressional intelligence oversight committees, and the results of these quarterly reviews shall be communicated to the NSPG. Similarly, there will be regular annual reviews, the results of which shall be communicated to the President.

6. All Findings will automatically terminate, or "sunset," each year unless the President, by appropriate action, determines that the Finding should continue in effect for the forthcoming year.

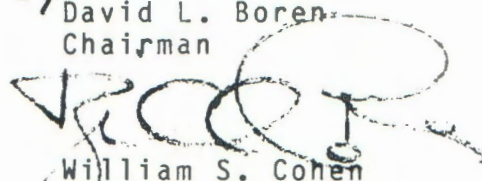
In addition to these procedures, the Committee believes that an in-house auditing capability should be established within the Committee to review expenditures in intelligence programs, including covert actions, to ensure they are consistent with the purpose for which they were authorized. Due to the need for strict confidentiality which attaches to many of these programs, the Committee recognizes that auditing by the General Accounting Office, which would be one means of providing such independent audits, is not appropriate or wise in this instance. Accordingly, it would be our intent to establish our own capability to perform this function in accordance with procedures to be agreed upon.

We look forward to hearing from you regarding these proposals.

Sincerely,



David L. Boren
Chairman



William S. Cohen
Vice Chairman

THE WHITE HOUSE

WASHINGTON

August 7, 1987

MEMORANDUM FOR SENATOR HOWARD H. BAKER, JR.

FROM: JOHN C. TUCK

SUBJECT: SENATE SELECT COMMITTEE ON INTELLIGENCE
RECOMMENDATIONS

The President has reviewed the Senate Select Committee on Intelligence recommendations on the procedures concerning the Presidents approving and notifying Congress of covert action programs.

The President has expressed his support for the following key concepts recommend by the committee:

- 1) Except in cases of extreme emergency, all national security "Findings" should be in writing. All Findings will be made available to members of the National Security Council (NSC).
- 2) No Findings should retroactively authorize or sanction a special activity.
- 3) If the President directs any agency or persons outside of the CIA or traditional intelligence agencies to conduct a special activity, all applicable procedures for approval of a Finding and notification to Congress shall apply to such agency or persons.
- 4) The intelligence committees should be appropriately informed of participation of any government agencies, primate parties, or other countries involved in assisting with special activities.
- 5) There should be a regular and periodic review of all ongoing special activities both by the intelligence committees and by the NSC.
- 6) In all but the most exceptional circumstances, timely notification to Congress under Section 501(b) of the National Security Act of 1947, as amended, will not be delayed beyond two working days of the initiation of a special activity.

While the President must retain the flexibility as Commander in Chief and Chief Executive to exercise those constitutional authorities necessary to safeguard the nation and its citizens, maximum consultation and notification is and will be the firm policy of this Administration.

A Peace Plan

Outline

- August 5 Announce a Plan for Peace
- Mid-August Assess Nicaraguan reaction to the Plan
- By Sep 30 Complete Negotiations on the Plan. If negotiations are successful, the following happens:
- A. Immediate cease-fire in place.
 - B. US and Soviets suspend military aid. Humanitarian aid continues.
 - C. Nicaraguans immediately suspend emergency law and restore civil liberties.
 - D. Electoral Commission established and tasked to provide procedures and timetable within 60 days for all elections.
 - E. Negotiations begin on withdrawal of foreign military personnel.
 - F. When cease-fire in place, US suspends combat maneuvers in Honduras.
 - G. Negotiations begin on reduction of standing armies in the region.
 - H. Regional security agreement to be negotiated within 60-day period, unless period extended.
 - I. Begin negotiation of a plan of national reconciliation and dialogue among citizens of Nicaragua.
 - J. Begin development of a plan of demobilization of Sandinista and Resistance forces.
 - K. In accordance with demobilization plan, US halts all support to Resistance. Upon reintegration of demobilized forces, Nicaragua eligible for U.S. assistance.
 - L. Develop a plan of expanded trade and assistance for Nicaragua.
 - M. By the process of democratization and compliance with regional non-aggression agreements, Nicaragua would qualify for Caribbean Basin Initiative and U.S. lifts embargo.
- If negotiation of above not completed by Sep 30, 1987, U.S. is free to pursue actions necessary to protect national interest.

August 4, 1987

1. A Nicaraguan base cannot be used as a surrogate for a Soviet base. Any Communist military or intelligence base will be considered a threat.
2. That their military force will be in proportion to that of their neighbors. They will not engage in or support insurgent or terrorist activity or allow others to use their territory for such purposes.
3. By this we mean internationally recognized political and civil liberties and human rights.
4. The parties to whom the cease-fire must be acceptable are the Sandinistas and the NDR.
5. Should there be a cease-fire period when only humanitarian aid is permitted and prior to a final settlement of demobilization, Congress will provide adequate humanitarian assistance.
6. The cease-fire cannot work to the military disadvantage of the Nicaraguan Resistance. The terms of cease-fire must deal with the treatment of consumable supplies needed to maintain current capabilities.
7. The Electoral Commission must be free of Sandinista control or domination and include participation of all authentic opposition parties.
8. "All elections" include elections for national leadership.
9. It is our understanding that an acceptable timetable would call for prompt national elections, certainly well in advance of the currently scheduled 1990 national elections.
10. As noted in paragraph 4 of the Peace Plan, persons active in the Resistance will be allowed to return home and run for any office.
11. The suspension of military aid to the Sandinistas will be subject to verification by the OAS or an international body.
12. The Soviet Union and Soviet block countries have no "normal and legitimate" need to maintain military forces or advisors on the mainland of this Continent.
13. The suspension of combat maneuvers is a demonstration of "good faith" which is dependent on reciprocal good faith on the part of the Sandinistas.
14. U.S. security interests in Central America cannot be protected unless Nicaragua becomes a full and open democratic society. The security provisions addressed in paragraph 3 of the Plan are inextricably linked to the process of democratization in Nicaragua.

15. Withdrawal of foreign military personnel refers to paragraph 2 of the Plan with respect to "normal and legitimate" needs.

16. Simultaneity means that U.S. resupply will diminish as the Resistance forces are integrated into Nicaraguan society.

17. Should be "regional" not "bilateral" for accuracy.

18. If the negotiations are not completed by September 30, 1987, the President at his discretion may submit his request for aid for the Freedom Fighters. The Congress will insure that the request will be dealt with on an expedited basis. No parliamentary or other procedures will be allowed to delay or prevent an up or down vote under expedited procedures.

19. The Nicaraguan government will be given two weeks after the announcement of this plan to accept it and begin the negotiating process. If the Nicaraguan government rejects the plan, does not respond to the plan, or attempts to delay acceptance or rejection, the President is free to resume his Contra funding efforts.

20. All parties can continue to speak out in support of the extension of democracy and respect for human rights in Central America. In order to maximize the chances for successful negotiations, and to maintain bipartisan unity, the President and the Congress will avoid criticizing each other on these issues, and will refrain from comments which will undermine the diplomatic track. All parties are free to describe their analyses of the situation in Central America.

21. The Administration may, in response to Congressional requests, organize trips to Central America, may respond to Congressional requests for information and may respond to press statements and inquiries about Central American policy and the Resistance in particular.

THE WHITE HOUSE
WASHINGTON

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SEN BAKER,

Here is the
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21 understandings.

Colin

A Peace Plan

Recognizing that the Central American Presidents are about to meet to discuss the issues involved and seek a peaceful solution to the problems in Central America, the United States desires to make known its views on certain of the basic elements that need to be included.

With respect to Nicaragua, the United States has three legitimate concerns for the well-being of the hemisphere:

- ① 1. That there be no Soviet, Cuban or Communist block bases established in Nicaragua that pose a threat to the United States and the other democratic governments in the hemisphere.
- ② 2. That Nicaragua pose no military threat to its neighbor countries nor provide a staging ground for subversion or destabilization of duly elected governments in the hemisphere.
- ③ 3. That the Nicaraguan government respect the basic human rights of its people including political rights guaranteed in the Nicaraguan constitution and pledges made to the OAS -- free speech, free press, religious liberty and a regularly established system of free, orderly elections.

Beyond this, the United States has no right to influence or determine the identity of the political leaders of Nicaragua nor the social and economic system of the country. These are matters wholly within the right of the Nicaraguan people. The United States affirms its support for the right of the Nicaraguan people to peaceful, democratic self-determination, free from outside intervention from any source.

In order to bring an immediate end to hostilities and begin a process of reconciliation, we propose the following:

- ④ 1. An immediate cease-fire in place, on terms acceptable to the parties involved, subject to verification by the OAS or an international group of observers should be negotiated as soon as possible. When the cease-fire is in place, the U.S. will immediately suspend all military aid to the Contras and simultaneously Nicaragua will stop receiving aid from Cuba, the Soviet Union, and the Communist block countries. Humanitarian aid can be supplied to both groups. The emergency law will be immediately suspended and all civil rights and liberties will be restored. An agreed, independent multi-party electoral commission will be established to assure regular elections open to free participation by all. A timetable and procedures for all elections, including those to be supervised and guaranteed by an agreed international body such as the OAS, will be established within 60 days.
- ⑤ 2. The withdrawal of foreign military personnel and advisers from Nicaragua and its immediate neighbors that are in excess of the normal and legitimate needs of the region will be subject to negotiations among the countries of the region. The U.S. will suspend combat maneuvers in Honduras as a demonstration of good faith when the cease-fire is in place.
- ⑥ 3. After the cease-fire is in place, negotiations among the governments of the United States, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua shall begin on reductions in standing armies in the region, withdrawal of foreign military personnel, restoration of regional military balance, security guarantees against outside support for insurgent forces, and verification and enforcement provisions. As part of this negotiating process, the United States shall enter into bilateral discussions with the governments of the region -- including the government of Nicaragua -- concerning security issues. A regional agreement on security issues shall be negotiated within 60 days, unless this period is extended by mutual agreement. The OAS shall be invited to be a signatory to and guarantor of this agreement.

16 4. A plan of national reconciliation and dialogue among citizens of Nicaragua, including amnesty for former combatants and equal rights to participation in the political process. There shall be a plan of demobilization of both Sandinista and Resistance forces. In accordance with the implementation of this plan, the United States simultaneously shall cease all resupply of Resistance forces. Both the government of Nicaragua and the government of the United States shall encourage and support the reintegration of demobilized forces into Nicaraguan civil and political society on terms guaranteeing their safety. Nicaragua shall at this time become eligible for existing and prospective U.S. assistance programs.

17 5. A plan of expanded trade and long-range economic assistance for the democratic governments of Central America in which Nicaragua might participate. By the process of democratization and compliance with bilateral nonaggression agreements, Nicaragua would qualify for participation in the Caribbean Basin Initiative and the U.S. will lift its economic embargo.

18 6. The negotiating process shall commence immediately and be completed by September 30, 1987. If the Nicaraguan Resistance, or forces under its command, should refuse to engage in this negotiating process, willfully obstruct its progress, or violate its terms, the United States shall immediately suspend all assistance to the Resistance. If, because of actions taken by the Nicaraguan government or the forces under its command, the negotiating process should not proceed; or its terms, conditions, and deadlines should not be met; the parties to these undertakings would be free to pursue such actions as they deem necessary to protect their national interest.

19

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21

August 4, 1987

1. A Nicaraguan base cannot be used as a surrogate for a Soviet base. Any Communist military or intelligence base will be considered a threat.
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8. "All elections" include elections for national leadership.
9. It is our understanding that an acceptable timetable would call for prompt national elections, certainly well in advance of the currently scheduled 1990 national elections.
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20. All parties can continue to speak out in support of the extension of democracy and respect for human rights in Central America. In order to maximize the chances for successful negotiations, and to maintain bipartisan unity, the President and the Congress will avoid criticizing each other on these issues, and will refrain from comments which will undermine the diplomatic track. All parties are free to describe their analyses of the situation in Central America.

21. The Administration may, in response to Congressional requests, organize trips to Central America, may respond to Congressional requests for information and may respond to press statements and inquiries about Central American policy and the Resistance in particular.

A Peace Plan

With respect to Nicaragua, the United States has three legitimate concerns for the well-being of the hemisphere:

1. That there be no Soviet, Cuban or Communist block base established in Nicaragua that would include any types of missiles, jet aircraft, or landing facilities for reconnaissance aircraft that could pose a threat to the United States.
2. That Nicaragua pose no military threat to its neighbor countries nor provide a staging ground for subversion or destabilization of duly elected governments in the hemisphere.
3. That the Nicaraguan government respect the basic human rights of its people including political rights guaranteed in the Nicaraguan constitution and pledges made to the OAS -- free speech, free press, religious liberty and a regularly established system of free, orderly elections.

Beyond this, the United States ^{its support for} has no right to influence or determine the identity of the political leaders of Nicaragua nor the social and economic system of the country. These are matters wholly within the right of the Nicaraguan people. The United States affirms the right of the Nicaraguan people to peaceful, democratic self-determination, free from outside intervention from any source.

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2. The withdrawal of foreign military personnel and advisers from Nicaragua and its immediate neighbors that are in excess of the normal and legitimate needs of the region will be subject to negotiations among the countries of the region. The U. S. will suspend combat maneuvers in Honduras as a demonstration of good faith when the cease fire is in place.

3. After the cease fire is in place, negotiations among the governments of the United States, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua shall begin on reductions in standing armies in the region, withdrawal of foreign military personnel, restoration of regional military balance, security guarantees against outside support for insurgent forces, and verification and enforcement provisions. As part of this negotiating process, the United States shall enter into bilateral discussions with the governments of the region -- including the government of Nicaragua -- concerning security issues. A regional agreement on security issues shall be negotiated within 60 days, unless this period is extended by mutual agreement. The OAS shall be invited to be a signatory to and guarantor of this agreement.

^{In accordance with the implementation of this plan,}

4. A plan of national reconciliation ^{and dialogue} among citizens of Nicaragua, including amnesty for former combatants and equal rights to participation in the political process. There shall be a plan of demobilization of both Sandinista and Resistance forces. The United States simultaneously shall cease all resupply of Resistance forces. Both the government of Nicaragua and the government of the United States shall encourage and support the reintegration of demobilized forces into Nicaraguan civil and political society on terms guaranteeing their safety. Nicaragua shall at this time become eligible for existing and prospective U. S. assistance programs.

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5. A plan of expanded trade, ~~and retirement~~ and long-range economic assistance for the democratic governments of Central America, in which Nicaragua would be entitled to participate ~~along with other~~ democratic governments. The U. S. will lift its economic embargo. By the process of democratization and compliance with bilateral nonaggression agreements, Nicaragua would qualify for participation in the Caribbean Basin Initiative.

6. The negotiating process shall commence immediately and be completed by September 30, 1987. If the Nicaraguan Resistance, or forces under its command, should refuse to engage in this negotiating process, willfully obstruct its progress, or violate its terms, the United States shall immediately ~~halt~~ all assistance to the Resistance. If, because of actions taken by the Nicaraguan government or the forces under its command, the negotiating process should not proceed; or its terms, conditions, and deadlines should not be met; the parties to these undertakings would be free to pursue such actions as they deem necessary to protect their national interest.

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Mr. [unclear]

General Colin Powell
Deputy Assistant to the
President for National
Security Affairs

Mr. [unclear]

Mr. [unclear]

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BY LOT NARA, DATE 3/17/06

6 August 1987

MEMORANDUM FOR THE RECORD

SUBJECT: Conference with Senator David Boren and Sven Holmes
re Draft Executive Order, 5 August 1987

1. At a meeting at 3:00 p.m. on 5 August 1987 with Senator Howard Baker, General Colin Powell, Secretary Shultz, Secretary Weinberger, and Secretary Baker, with Barry Kelly in attendance, on the draft Executive Order on Congressional notification of special activities, concern was expressed by the principals in a number of areas. Of primary concern was the apparent burying of the issue of Presidential authority under the Constitution not to notify the Congress should the President find it necessary not to do so. In the course of this discussion, I proposed a modification to Section 4 to address this point (attached). Senator Baker suggested, and it was agreed, that I should attempt to see Senator Boren and seek his support for this change, as well as his assurance that he would oppose legislation if the Executive Order satisfactorily covered his concerns.

2. I met with Senator Boren at 6:00 p.m. on 5 August 1987, attended by his Staff Director Sven Holmes.

3. I showed Senator Boren and Mr. Holmes the draft language for Section 4(a) on Congressional notification (attached). Both Senator Boren and Sven Holmes indicated that while they had no problems with the accuracy of the language, they felt that its inclusion would only highlight a matter of great sensitivity in the House. Majority Leader Foley does not recognize that there are any Constitutionally reserved authorities in the President to go around Section 501. He--Senator Boren--believes in the Constitutional prerogatives of the Executive, but there are many in the House who are adamantly opposed to finding such reservations. For example, the reservation is expressed in Section 501(a), but not in (b). Some House members believe that the Constitutional aspects are therefore confined to the first paragraph. Senator Boren does not agree.

4. In any event, he is deeply concerned that any reference to Constitutional prerogatives beyond the preamble language of the proposed Executive Order or any cross-referencing to that language will result in the inference, especially among House member participants, that the

President intends to defy the will of Congress. (We all recognize that this authority has only been exercised three times in the history of the Act.) In particular, Senator Boren fears that such language will draw out the question, what would you do under such language if the Iran initiative were to be presented today? He believes that such a line of question would destroy the purpose of reflecting Executive cooperation with the Congress.

5. There was not much I could do to dissuade them from their point of view since it was based entirely upon a political argument and perception rather than a legal position.

6. Finally, after considering a number of alternatives, I asked whether the Congress might look favorably upon a revision to Section 4 which would omit subparagraph (a) with respect to the President undertaking responsibility to cause the Congress to be notified, and would accept language along these lines:

"In carrying out the requirements of Section 501, the following procedures shall apply:"

Senator Boren thought this would be a satisfactory formulation. He added, however, that he did believe that something should be included in the preamble to underscore the President's undertaking "in good faith" to keep the Congress informed. He said he only wanted a good faith representation.

7. The meeting concluded at 7:15 p.m. with Senator Boren indicating that he would be at the White House for a meeting at 9:30 tomorrow and would be glad to stop by and discuss the matter with Senator Baker. I called Senator Baker at 10:20 p.m. with this information and he said he would be glad to meet with Senator Boren and would advise him at the meeting tomorrow morning.

8. I also discussed with Senator Boren a problem that I had with respect to the language in Section 3--review of special activities--which contains a sunset provision for special activities and provides that if after review the President does not approve in writing the continuation of a special activity, etc., it would be deemed cancelled. I pointed out that this left the Agency hanging because it might not know whether the President had reviewed and had failed to authorize a continuance. It was very important that we know in an express way when such authority had expired. Senator Boren indicated this was clearly a drafting matter and there is no intent on their part to put us in a catch position. In fact, he said the sunset idea was really NSC drafting; the Senate drafters merely wanted to be assured that there was a review. This Section should accordingly be revised to make it readily apparent and on adequate notice when a special activity would cease to be authorized.

9. I indicated to Senator Boren that there was concern among the principals about the specificity required in the finding. I recognized that the Casey accords and the briefing practices that had been established resulted in a very substantial amount of information flowing to the Intelligence Committees and that I was not proposing in any way to cut back on the information we were providing. Nevertheless, as I pointed out, the principals are worried about language in the finding or accompanying explanation that says more than is reasonably required in a written document. This would apply particularly to identification of entities and individuals participating, and especially any help or cooperation from other countries. The sensitivity here is such that that cooperation might easily be lost. In addition, less than significant participation routinely occurs which could not be properly ascribed, and in some cases even anticipated, in the finding. I did not discuss the above with Senator Boren other than to tell him that there were problems with specificity which would need to be ironed out.

10. Finally, Senator Boren noted that Senator Cohen would be going to Europe and that others were leaving town early next week. This meant that Friday morning, 7 August, would be the best opportunity to have the appropriate Congressional leaders present for a public ceremony if one were to be held.

William H. Webster
Director of Central Intelligence

Attachments

Sec. 4. Congressional Notification. (a) Consistent with section 501 and unless the President otherwise directs, in writing pursuant to his constitutional authorities and duties, the President hereby undertakes the responsibility to cause the Congress to be notified of all special activities in accordance with the procedures set forth in this section.

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MEMBER, COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY
CHAIRMAN, SUBCOMMITTEE ON
AGRICULTURAL CREDIT

MEMBER, COMMITTEE ON SMALL BUSINESS

August 2, 1987

Dear Mr. President,

I hope that you will have an opportunity to read this letter personally. It is written to you in the sincere hope that it will be helpful to you as our President and helpful to our country.

I truly believe that the decisions which you make as the Iran-Contra hearings come to a close will have a profound influence on the future of this country for decades to come. We are in a crucial period.

We spoke recently in the Cabinet Room about the need to restore a bi-partisan partnership in foreign policy between the Congress and the White House. The President can initiate a foreign policy action but even if he is right, he cannot sustain it without the support of Congress.

Long before you became President, during the Vietnam period, the old-fashioned concept of bi-partisanship in foreign policy began to erode. For twenty years we have been in a cycle of escalating distrust between the Executive and Legislative branches.

The rest of the world has observed our lack of unity. We have had a "stop and start" foreign policy which has damaged our credibility. The failure of the United States to speak to the rest of the world with a single voice has been devastating to our national interests. It has demoralized our allies and emboldened our enemies.

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As these hearings come to a close, we have a real opportunity to replace confrontation with cooperation, and polarization with partnerships. There are many wars in this world that we hope to see ended but for the sake of our country, which we all love, we must start by ending the war between the two ends of Pennsylvania Avenue.

As I sat in the hearings, I said sadly to myself, "How could we have become so divided when all of us in both branches of government are supposed to be serving the same cause and the same people?"

I believe that you share my hope for a new era of consensus and bi-partisanship in foreign policy. As a Democrat and as Chairman of the Senate Intelligence Committee, I pledge to you that I will walk the extra mile to try to make it work. In the year and a half remaining in your term, you have a chance to make a great and positive mark on our future in areas like arms control and Central American policy. As an American, with out regard to party, I pray that you will succeed.

If a consensus can be developed in key areas, these policies can survive for years to come. If there is a confrontation, many opportunities for action will be missed. In other areas, like Central American policy, about which you and I share a strong concern about Communist subversion in our own hemisphere; your policies will not survive beyond the end of your term without a broad coalition in the Congress as well as in the White House which will continue to fight for them.

Twenty years of growing mistrust and divisiveness cannot be overcome in a few days or weeks but we have a rare opportunity to start moving in the right direction.

Your staff and the members of the bi-partisan leadership in the Intelligence Committee of the Congress are close to a broad agreement in the important area of national security oversight. If we can build a spirit of partnership in this most sensitive area and demonstrate our cooperation to the nation, I am convinced that it will make it much easier to build a truly bi-partisan foreign policy in the future.

Please call upon me if I can help in any way with this effort.

Sincerely,
Dan Boren